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EXAMINER
PHAM, THOMAS K

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2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No	Applicant(s)
Office Action Summary	09/755,751	REDDY ET AL.
	Examiner	Art Unit
	Thomas K Pham	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE $\underline{3}$ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date *2,4 and 6*.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 7

First Action on the Merits

1.   Claims 1-35 of U.S. Application 09/755,751 filed on 01/05/2001 are presented for

examination.

Claim Objections

2.   Claim 11 is objected to because of the following informalities: the word "wherein"

repeated twice on lines 1 and 2. Appropriate correction is required.

Quotations of U.S. Code Title 35

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

5.   Claims 1-3, 5-7, 10-15, 17-20, 23, 25-27, 30-32 and 34 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent No. 5,958,010 ("Agarwal") in view of U.S. Patent

No. 6,321,338 ("Porras").

Regarding claims 1 and 12

Agarwal teaches a system for enabling remote monitoring and management of one or more

applications within a domain, the system comprising: one or more computers within the domain

and coupled to a network, each operable to execute one or more applications being monitored

and managed (col. 5 lines 15-34, "each of the workstations 12-18 ... the servers can be

monitored"); an application management layer within the domain comprising: one or more

agents each operable to monitor one or more corresponding applications and generate

notifications in response to the occurrence of events associated with the corresponding

applications (col. 7 lines 6-13, "The monitor elements 70-76 ... which for the agent 50"); and a

communication layer within the domain operable to: retrieve one or more of the notifications

from the database in response to a request received from a monitoring and management portal

coupled to the network, the request communicated to the communication layer using a

communication protocol providing access (col. 7 line 60 to col. 8 line 2, "The module 80

monitors ... TCP stack of the managed node"); and communicate the notifications to the

monitoring and management portal using the communication protocol to enable remote

monitoring and management of the associated applications (col. 6 lines 10-30, "Each of the

MUM agents ... and store it in the MUM database 44"). Agarwal does not teach the domain

being one of a plurality of such domains; a firewall operable to limit access to the applications

within the domain from the network; and a gateway operable to receive one or more of the

notifications and store the notifications in a database. However, Porras teaches a network

surveillance system including plurality of domains within a network (fig. 1) with network entities

such as gateways and firewalls for limiting access to the applications within the domain from the

network (col. 3 lines 42-54, "Service monitors 16a-16c ... the virtual private network") and a

mass storage device for storing the monitored data (col. 14 lines 51-53, "Mass storage device 64a

... in the course of operation") for the purpose of protecting the networks components from

intrusion and global attacks. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate the network surveillance of Porras with the

network monitoring system of Agarwal because it would provide for the purpose of protecting

the networks components from intrusion and global attacks.

Regarding claim 2

Agarwal teaches each agent includes one or more monitors each operable to interface with a

particular corresponding application (col. 5 lines 34-38, "Each MUM agent can ... of the servers

20 or 22").

Regarding claims 3 and 15

Agarwall teaches one or more of the notifications comprise information regarding the state of an

associated application (col. 6 lines 22-26, "Each of the agents ... providing event notifications").

Regarding claims 5, 18 and 25

Porras teaches the communication protocol comprises hypertext transport protocol (HTTP) (col.

8 lines 5-8, "A signature engine ... SMTP, HTTP)").

Regarding claims 6, 19 and 26

Agarwal teaches the request from the monitoring and management portal comprises a request for

the state of a particular application (col. 7 lines 15-28, "The programming interface ... events are

to be monitored").

Regarding claims 7 and 20

Agarwal teaches the request from the monitoring and management portal comprises a request for

all notifications of a particular type relating to one or more selected applications in one or more

selected domains (col. 7 lines 34-40, "the system monitor 70 ... local workstation or server").

Regarding claim 10, 23 and 30

Porras teaches the domain is distributed from others of the plurality of domains (col. 3 lines 26-

31, "Alternatively, domains ... connections throughout the enterprise 10").

Regarding claim 11

Agarwal and Porras teaches the communication layer is further operable to: receive a command

for a particular application communicated from the monitoring and management portal (see

Agarwal col. 7 lines 6-10, "The monitor elements 70-76 ... to the monitor elements") using a

communication protocol providing access through the firewall associated with each selected

domain (see Porras col. 3 lines 42-54, "Service monitors 16a-16c ... the virtual private

network"); and communicate the command to an agent associated with the application to which

the command is directed (see Agarwal col. 7 lines 60-64, "The module 80 monitors ... for

determining which events"); and wherein the agent is further operable to execute the command

using a monitor within the agent associated with the application to which the command is

directed and corresponding to the particular application, the monitor operable to interface with

the particular corresponding application (see Agarwal col. 7 lines 11-29, "The monitor elements

... for monitoring by the agent").

Regarding claim 13

Agarwal teaches detecting the occurrence of events comprises monitoring each application using

one or more agents within the associated domain, each agent including one or more monitors

each operable to interface with a particular corresponding application within the domain (col. 5

lines 26-34, "The system 10 includes ... servers can be monitored").

Regarding claim 14

Porras teaches configuring the agents and monitors from the monitoring portal using HTTP

communications with web servers within the domains, each web server operable to communicate

configuration instructions received from the monitoring portal to the agents within the associated

domain (col. 8 lines 5-8, "A signature engine ... SMTP, HTTP)").

Regarding claim 17

Agarwal teaches receiving the retrieved notifications from each of the selected domains at the

monitoring portal (col. 7 lines 11-13, "The monitor elements ... for the agent 50"); and

aggregating the retrieved notifications from each of the selected domains for display to a user of

the monitoring portal in a unified view (col. 5 lines 43-49, "The MUM console 42 ... at the

enterprise level").

Regarding claim 27

Porras teaches the communication layer within each domain is operable to: communicate with

the management portal using hypertext transport protocol (HTTP); and communicate with the

agents within the domain using one or more application program interfaces associated with each

agent (col. 8 lines 5-8, "A signature engine ... SMTP, HTTP)").

Regarding claims 31, 32 and 34

Agarwal teaches software for enabling remote monitoring and management of one or more

applications within a domain, the software embodied in a computer-readable medium and, when

executed by a computer, operable to: detect the occurrence of events associated with a plurality

of applications, each domain coupled to a network (col. 5 lines 15-34, "each of the workstations

12-18 ... the servers can be monitored"); generate notifications in response to the occurrence of

the events, each notification associated with at least one application (col. 7 lines 11-13, "The

monitor elements ... for the agent 50"); store at least some of the notifications in databases

within the domains that comprise the associated applications (col. 4 lines 7-11, "the console

modules can receive ... distributed computing system"); retrieve notifications from the databases

of a plurality of selected domains in response to a request received from a monitoring portal

coupled to the network, communicate the retrieved notifications from each of the selected

domains to the monitoring portal using the communication protocol (col. 7 line 60 to col. 8 line

2, "The module 80 monitors ... TCP stack of the managed node"). Agarwal does not teach the

domain being one of a plurality of such domains, executed on a plurality of computers within a

plurality of domains and including a firewall limiting access to the applications within the

domain; the request communicated to the selected domains using a communication protocol

providing access through the firewalls associated with the selected domains. However, Porras

teaches a network surveillance system including plurality of domains within a network (fig. 1)

with network entities such as gateways and firewalls for limiting access to the applications

within the domain from the network (col. 3 lines 42-54, "Service monitors 16a-16c ... the virtual

private network") and a mass storage device for storing the monitored data (col. 14 lines 51-53,

"Mass storage device 64a ... in the course of operation") for the purpose of protecting the

networks components from intrusion and global attacks. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to incorporate the network

surveillance of Porras with the network monitoring system of Agarwal because it would provide

for the purpose of protecting the networks components from intrusion and global attacks.

6.   Claims 4, 16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Agarwal in view of Porras and further in view of U.S. Patent 6,510,350 ("Steen").

Regarding claim 4

Agarwal and Porras teach the communication layer but do not teach a servlet engine operable to

execute a servlet, the servlet operable to: query the database to retrieve the one or more

notifications from the database; and generate a response including the notifications that may be

interpreted by a web browser within the monitoring and management portal; and a web server

operable to receive the response from the servlet engine and communicate the response to the

web browser using the network. However, Steen teaches a servlet engine execute a servlet to

either gather data or launches responses from the provider's database (col. 4 lines 21-27,

"Software on the provider's system ... made at the primary site") and a provider's system is

operate to communicate between the servlet engine and the user through any web browser (col. 3

line 65 to col. 4 line 20, "The user accesses the ... from Internet associated break in") for the

purpose of buffering between the provider's database and the user. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to incorporate the

servlets of Steen with the communication layer of Agarwal and Porras because it would provide

for the purpose of buffering between the server's database and the user web browser.

Regarding claim 16

Agarwal and Porras the communication layer but do not teach generating a response at each

domain including the retrieved notifications for the domain that may be interpreted by a web

browser within the monitoring portal; and communicating the response to the web browser using

the network. However, Steen teaches a servlet engine execute a servlet to either gather data or

launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's

system ... made at the primary site") and a provider's system is operate to communicate between

the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The

user accesses the ... from Internet associated break in") for the purpose of buffering between the

provider's database and the user. Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to incorporate the servlets of Steen with the

communication layer of Agarwal and Porras because it would provide for the purpose of

buffering between the server's database and the user web browser.

Regarding claim 33

Agarwal teaches a system for enabling remote monitoring and management of one or more

electronic marketplace enabling applications within a domain, the system comprising: one or

more computers within the domain and coupled to a network, each operable to execute one or

more electronic marketplace enabling applications being monitored and managed (col. 5 lines

15-34, "each of the workstations 12-18 ... the servers can be monitored"); an application

management layer within the domain comprising: one or more agents each operable to monitor

one or more corresponding applications and generate notifications in response to the occurrence

of events associated with the corresponding applications (col. 7 lines 6-13, "The monitor

elements 70-76 ... which for the agent 50"); Agarwal does not teach the domain being one of a

plurality of distributed domains; a gateway operable to receive one or more of the notifications

and store the notifications in a database; a firewall operable to limit access to the applications

within the domain from the network; a communication layer within the domain comprising: a

servlet engine operable to execute a servlet, the servlet operable to: query the database to retrieve

one or more of the notifications from the database in response to a request received from a

monitoring and management portal coupled to the network, the request communicated to the

communication layer using hypertext transport protocol (HTTP); generate a response including

the notifications that may be interpreted by a web browser within the monitoring and

management portal; and a web server operable to receive the response from the servlet engine

and communicate the response to the web browser using HTTP to enable remote monitoring and

management of the associated applications. However, Porras teaches a network surveillance

system including plurality of domains within a network (fig. 1) with network entities such as

gateways and firewalls for limiting access to the applications within the domain from the

network (col. 3 lines 42-54, "Service monitors 16a-16c ... the virtual private network") and a

mass storage device for storing the monitored data (col. 14 lines 51-53, "Mass storage device 64a

... in the course of operation") for the purpose of protecting the networks components from

intrusion and global attacks. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate the network surveillance of Porras with the

network monitoring system of Agarwal because it would provide for the purpose of protecting

the networks components from intrusion and global attacks. Furthermore, Steen teaches a servlet

engine execute a servlet to either gather data or launches responses from the provider's database

(col. 4 lines 21-27, "Software on the provider's system ... made at the primary site") and a

provider's system is operate to communicate between the servlet engine and the user through any

web browser (col. 3 line 65 to col. 4 line 20, "The user accesses the ... from Internet associated

break in") for the purpose of buffering between the provider's database and the user. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate the servlets of Steen with the communication layer of Agarwal because it would

provide for the purpose of buffering between the server's database and the user web browser.

7.   Claims 8-9, 21-22, 24, 28-29 and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Agarwal in view of Porras and further in view of U.S. Patent 5,826,239

("Du").

Regarding claim 8, 21 and 28

Agarwal and Porras teach a system for enabling remote monitoring and management of

applications but do not teach the applications comprise electronic marketplace enabling

applications. However, Du teaches a workflow process managing system for providing a

business management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact

work") for the purpose of managing the rule and organizing policy enforcement requirements of

a business. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to incorporate the electronic business application of Du with the system

of Agarwal and Porras because it would provide for the purpose of managing the rule and

organizing policy enforcement requirements of a business.

Regarding claim 9, 22 and 29

Du teaches the applications comprise business processes (col. 9 lines 59-64, "To monitor the

progress ... HP Open View environment").

Regarding claims 24 and 35

Agarwal teaches a method for remotely managing applications, comprising: generating a

command for each of a plurality of electronic marketplace enabling applications at a

management portal coupled to a network, the applications being of a common type (col. 5 lines

6-9, "for monitoring and managing ... network memory devices"); within each selected domain,

communicating the command from the web server to an agent associated with the application to

which the command is directed (col. 5 lines 15-34, "each of the workstations 12-18 ... the

servers can be monitored"); and within each selected domain, executing the command using a

monitor within the agent associated with the application to which the command is directed and

corresponding to the particular application, the monitor operable to interface with the particular

corresponding application (col. 7 lines 6-13, "The monitor elements 70-76 ... which for the agent

50"). Agarwal does not teach the method is for electronic marketplace enabling applications; the

applications executed on a plurality of computers within a plurality of domains, each domain

coupled to the network and including a firewall limiting access to the applications within the

domain; communicating the commands to a web server within each of one or more selected

domains using hypertext transport protocol (HTTP), each selected domain comprising an

application to which a command is directed; However, Porras teaches a network surveillance

system including plurality of domains within a network (fig. 1) with network entities such as

gateways and firewalls for limiting access to the applications within the domain from the

network (col. 3 lines 42-54, "Service monitors 16a-16c ... the virtual private network"); a mass

storage device for storing the monitored data (col. 14 lines 51-53, "Mass storage device 64a ... in

the course of operation") and the communication protocol comprises hypertext transport protocol

(HTTP) (col. 8 lines 5-8, "A signature engine ... SMTP, HTTP)") for the purpose of protecting

the networks components from intrusion and global attacks. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to incorporate the

network surveillance of Porras with the network monitoring system of Agarwal because it would

provide for the purpose of protecting the networks components from intrusion and global attacks.

Furthermore, Du teaches a workflow process managing system for providing a business

management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for

the purpose of managing the rule and organizing policy enforcement requirements of a business.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the electronic business application of Du with the system of Agarwal

and Porras because it would provide for the purpose of managing the rule and organizing policy

enforcement requirements of a business.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at *(703) 308-3179*.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

May 18, 2004

Anthony Knight
Supervisory Patent Examiner
Group 3600